

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**Midas Green Technologies, LLC,**

Plaintiffs,

- vs. -

**Rhodium Enterprises, Inc.;**  
**Rhodium Technologies LLC;**  
**Rhodium 10mw LLC;**  
**Rhodium 2.0 LLC;**  
**Rhodium 30mw LLC;**  
**Rhodium Encore LLC;**  
**Rhodium Industries LLC;**  
**Rhodium JV LLC;**  
**Rhodium Renewables LLC;**  
**Rhodium Shared Services LLC;**  
**Rhodium Shared Services PR Inc.;**  
**Chase Blackmon;**  
**Cameron Blackmon; and**  
**Nathan Nichols,**

Defendants.

Case No. 6:22-cv-00050-ADA

**Jury Trial Demanded**

**ORAL ARGUMENT  
REQUESTED**

**AMENDED SCHEDULING ORDER**

Having considered of parties' Joint Motion for Entry of Amended Scheduling Order, the Court finds that the motion should be GRANTED.

IT IS THEREFORE ORDERED that the parties' Proposed Amended Scheduling Order is hereby granted and reflected below.

<b>Item</b>	<b>Amended Deadline</b>
Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).	Aug. 1, 2022
Midas will produce to Rhodium all of the documents, interrogatory responses or deposition transcripts it produced or provided in the <i>Midas v. Immersion</i> litigation on August 5, 2022. Immersion's production and any Immersion	

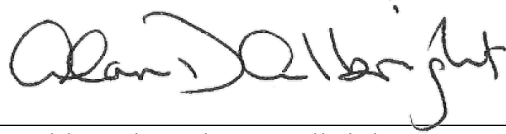
Item	Amended Deadline
<p>interrogatory responses or deposition transcripts in <i>Midas v. Immersion</i> will be deemed produced by Immersion in this litigation on August 1, 2022 with documents, interrogatory responses, or deposition transcripts produced or designated as “Confidential Information” in that litigation being designated as “Confidential” under the Court’s Interim Protective Order and documents produced as “Confidential Attorney Eyes Only Information” in that litigation being designated as “Confidential - Outside Attorneys’ Eyes Only” under the Court’s Interim Protective Order.</p> <p>In addition, the parties agree that certain email and ESI searching is necessary and appropriate under the circumstances of this case. By August 12, the parties shall meet and confer to formulate a proposal regarding the scope and method of email and ESI searching.</p>	
Deadline to add parties.	Nov. 7, 2022
Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to infringement or invalidity contentions. This deadline does not relieve the parties of their obligation to seasonably amend if new information is identified after initial contentions.	Nov. 21, 2022
Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)	Jan. 17, 2023
Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court’s law clerk to arrange a teleconference with the Court to resolve the disputed issues.	March 27, 2023
Close of Fact Discovery.	April 24, 2023
Opening Expert Reports.	May 1, 2023
Rebuttal Expert Reports.	May 30, 2023
Close of Expert Discovery.	June 20, 2023
Deadline for the second of two meet and confers to discuss narrowing the number of claims asserted and prior art	June 26, 2023

Item	Amended Deadline
references at issue to triable limits. If it helps the parties determine these limits, the parties are encouraged to contact the Court's law clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.	
Dispositive motion deadline and <i>Daubert</i> motion deadline.  See General Issues Note #7 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).	July 3, 2023
Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).  Serve responses to dispositive motions and <i>Daubert</i> motions	July 17, 2023
Serve replies to dispositive motions and <i>Daubert</i> motions	July 24, 2023
Serve objections to pretrial disclosures/rebuttal disclosures.	July 31, 2023
Serve objections to rebuttal disclosures; file Motions <i>in limine</i> .	Aug. 7, 2023
File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i> .	Aug. 14, 2023
File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and email the Court Reporter, Kristie Davis at <a href="mailto:kmdaviscsr@yahoo.com">kmdaviscsr@yahoo.com</a>  Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .	Aug. 21, 2023
Last court day for party asserting invalidity or non-infringement to give notice to adverse party of information set forth in 35 USC 282.	Aug. 25, 2023
Parties to jointly email the Court's law clerk ( <i>See</i> OGP at 1) to confirm their pretrial conference and trial dates.	Aug. 1, 2023

Item	Amended Deadline
File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .	Sept. 1, 2023
<b>Final Pretrial Conference.</b> Held in person unless otherwise requested.	Sept. 5, 2023
<b>Jury Selection/Trial.</b>	Sept. 25, 2023

**SO ORDERED**

Dated: July 27, 2022.



---

Honorable Judge Alan D. Albright  
UNITED STATES DISTRICT COURT JUDGE